PAULINE AND OTHER STUDIES

IN EARLY CHRISTIAN HISTORY

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VIII

THE LAWFUL ASSEMBLY

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(ACTS XIX. 39)

WHILE it is a very important thing to study the books of the New Testament in connection with the actual life and circumstances of the countries and cities in which the events occurred, it is doubly important that the circumstances by which it is sought to illustrate the books should be correctly conceived, as otherwise the light that is cast may be misleading. If I venture in these pages to bring forward some examples to show the necessity of carefulness in this useful work of illustrating the New Testament writers, it is not that I have any claim to be immaculate myself. I welcome any criticism which aids me to find out the errors which I know must exist in my poor attempts; but the criticism that is useful to a writer in this respect must begin by really trying to understand what end he is striving to attain, and what are the steps by which he proposes to attain it, and must not condemn him off-hand for differing from what the critic has accepted beforehand as the recognised view.

The example I shall here select is in *Acts* xix. 39, which is rendered in the Authorised Version, "but if ye inquire any thing concerning other matters, it shall be determined in a lawful assembly," while the Revised Version has it, "but

if ye seek anything about other matters,[1] it shall be settled in the regular assembly". I propose only to consider the last phrase and the discrepancy between the two versions. Two questions suggest themselves: why did the Revisers alter "a lawful Assembly" into "the regular Assembly,"[2] and is the alteration an improvement?

The answer is by no means easy. In seeking the solution we shall see that hasty comparison of a phrase in an author with a usage in an inscription may be misleading, if it is not guided by consideration of the general sense of the whole passage. In doing so we shall incidentally observe that a scholar who is simply studying the evolution of constitutional history, in the Græco-Asian cities, so far from finding any reason to distrust the accuracy of the picture of Ephesian government in this episode, discovers in it (as did, *e.g.*, Bishop Lightfoot and Canon Hicks) valuable evidence which is nowhere else accessible. The practical man, and the scholar who studies antiquities for their own sake, will always find *Acts* a first-hand and luminous authority. It is only the theorist (eager to find or to make support for his pet theory about the steps by which Church history developed, and annoyed that *Acts* is against him) that distrusts the author of *Acts*, and finds him inadequate, incomplete, or inaccurate. And, as Luke is so logical, complete and "photographic" in his narrative, the only useful way of studying him is to bring practical knowledge and sense of the connection and fitness of things to bear on him. There is

[1] περὶ ἑτέρων as in the vast majority of MSS. There can, however, hardly be any hesitation in preferring περαιτέρω with B, confirmed by the Latin *ulterius* in Codex Bezæ (where the Greek has περὶ ἑτέρων), and in the Stockholm old-Latin version (Gig.).

[2] The Greek is ἐν τῇ ἐννόμῳ ἐκκλησίᾳ: we shall use the rendering, "the duly constituted Assembly".

no author who has suffered so much from the old method of study practised by the scholar, who sits in his library and cuts himself off from practical life and the interest in reality, and in the things of reality.

Romans and Greeks were alike familiar with the distinction between a properly and legally convened Assembly of the people—in exercise of the supreme powers that belonged to the people and could be exercised only through a lawful Assembly called together according to certain rules—and a mere assemblage of the people to hear a statement by a magistrate or give vent to some great popular feeling in a crisis. An assemblage of the latter class was liable to pass into disorder, and was certainly disliked and discouraged by the Imperial administration. In the Republican period of Rome magistrates often hastily convened such an assemblage of the people, when they wanted to impart some important news; but the assemblage, which was known as a *contio*, could exercise no authority and pass no resolution, but merely listen to the statement of the magistrate who convened it and of any one whom the magistrate invited to speak (*produxit in contionem*). Such assemblages often became disorderly in the later Republican period, and under the Empire were almost wholly disused in Rome, and discouraged in the provincial cities.

It happens that the text of the latter part of the speech, delivered by the Secretary of the State of Ephesus[1] to the noisy assembly in the theatre, is very doubtful; but, fortunately, the general run of the meaning and argument is quite

[1] The rendering "Town-clerk," or "Clerk," suggests an inadequate idea of the rank and importance of this official. Lightfoot, in the paper which we shall quote in this article (*Contemporary Review*, March, 1878, reprinted in appendix to *Essays on Supernatural Religion*), was the first properly to appreciate and emphasise this.

clear. The Secretary pointed out (v. 38) that, if Demetrius and the associated guild had any ground of complaint, they had a legal means of redress before the proper court, *viz.*, the Roman "Assizes" (*conventus*), at which the proconsul presided;[1] (v. 39) if they sought anything further, *i.e.*, if they desired to get any resolution passed with regard to the future conduct of the citizens and of resident non-citizens[2] in reference to this matter,[3] the business would be carried through in the duly constituted Assembly, *i.e.*, in the public Assembly meeting with powers to transact business (whereas the present meeting had no power to transact business); (v. 40) and in fact there was a serious risk that the present utterly unjustified and unjustifiable meeting should be regarded by the Imperial government (*i.e.*, the proconsul, in the first instance) as a case of riot, and should lead to stern treatment of the whole city and curtailment of its liberties and powers.

What then is the exact sense of the term "duly constituted Assembly" in v. 39? Apparently the argument is this: "the present Assembly is not duly constituted, and you cannot serve your own purpose by persisting in it, for it is not qualified to pass any measure or transact any business; and therefore you should go away and take the recognised necessary steps for having your business brought before a properly constituted Assembly. But, further, the present meeting may lead to very serious consequences and to punishment which will fall heavily on the whole city,

[1] We note that the Secretary assumes at once that the ground of complaint is something serious. In a city like Ephesus trifling actions were disposed of by the city magistrates; their limit of power in this respect is uncertain, but was certainly very humble.

[2] *οἱ ξένοι οἱ κατοικοῦντες*, or *ἐπιδημοῦντες*, Acts xvii. 21.

[3] I follow Mr. Page's sensible note on *εἰ δέ τι περαιτέρω ζητεῖτε*.

including your own selves." Consequently the whole force of the argument compels us to treat the Greek term as meaning "the people duly assembled in the exercise of its powers". In the constitution of Ephesus, as a free Greek City-State (πόλις), all power ultimately resided in the Assembly of the citizens; and in the Greek period the Assembly had held in its own hands the reins of power, and exercised the final control over all departments of government. In the Roman period the Assembly gradually lost the reality of its power, for the Imperial Roman administration, which had abolished the powers of the popular Assembly in Rome, was naturally not disposed to regard with a favourable eye the popular Assemblies of cities in the provinces. Hence meetings of the popular Assembly in Ephesus and other Asian cities tended to become mere formalities, at which the bills sent to it by the Senate of the city were approved. But, at the period in question, the Assembly of the people was still, at least in name, the supreme and final authority; and with it lay the ultimate decision on all public questions. Not merely did it continue to be mentioned along with the Senate in the preamble to all decrees passed by the City-State under the Roman Empire, as giving validity and authority;[1] it still probably retained the right to reject the decrees sent before it by the Senate.[2]

The term "lawful Assembly" therefore embraces all meetings of the Assembly qualified to set in motion the

[1] That form of preamble "it was resolved by the Senate and the popular Assembly" (ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ) continued for more than two centuries later, after it had become a mere form corresponding to no real expression of the popular will.

[2] At a later date it certainly lost this right, and met merely to accept the decrees,

powers resident in the People. These meetings were of two kinds: (1) stated, regular meetings held on certain regular, customary days (called *νόμιμοι ἐκκλησίαι* in an inscription of Ephesus,[1] and *κυρίαι ἐκκλησίαι* at Athens); (2) extraordinary meetings held for special or pressing business (called *σύγκλητοι ἐκκλησίαι* at Athens, while the Ephesian technical term is unknown). One seems driven to the conclusion that the intention of the Secretary was to select a term that included both regular and extraordinary meetings. What he said amounted to this, "Bring your business before a meeting that is qualified to deal with it, either taking the proper steps to have a special meeting called to discuss your business, or, if it is not so immediately urgent and you prefer the other course for any reason, bringing it after due intimation before the next ordinary, regular meeting of the People".

On this interpretation it would seem that the rendering in the Authorised Version "lawful" is correct, and that the Revisers were not well advised in substituting the term "regular". The term "regular" suggests only *νόμιμοι ἐκκλησίαι* and shuts out specially summoned meetings of the People, whereas the Secretary desired to use a term that should include every legal class of meetings.

Further, the Secretary seems distinctly to use the term "Lawful Assembly" in contrast to the present illegal meeting, which he styled "riot" and which the historian calls a confused Assembly,[2] inasmuch as the majority did not know what was the business before the meeting (v. 32). This also would suggest that "lawful" is the antithesis required, and would defend the Authorised Version.

[1] Hicks, *Greek Inscriptions of the British Museum*, No. 481, l. 340.
[2] *ἐκκλησία συγκεχυμένη* (v. 40).

PLATE VIII.

FIG. 13.—St. Paul's Gate on the West of Tarsus (Mrs. Christie of Tarsus).

To face p. 208. *See p.* 275.

On the other hand, however, the evidence[1] seems to be strong that in Greece ἔννομος was an equivalent but less common term for the regular ordinary Assembly (νόμιμος being far commoner); and the evidence has convinced most scholars—Wetstein, Lightfoot, Wendt, Blass, and many others (including *Stephani Thesaurus*). In that case, apparently, we are bound to prefer the translation "regular" in v. 39, and the Revisers would appear to be right in altering the Authorised Version. Thus two different lines of investigation lead to opposite conclusions.

But we must bear in mind that the reasoning in the last paragraph is founded on a distinction that belongs to purely Greek constitutional conditions. Ephesus was no longer a Greek city. It retained indeed the external appearance of Greek city government; but the real character of the old Greek constitution was already seriously altered, and even the outward form was in some respects changed. We cannot therefore attach very great importance to an analogy with a fact of the old Greek constitutional practice until it is clearly proved, or at least made probable, that that practice remained unaffected by the Roman spirit. It is certain, indeed, that a distinction of ordinary (νομίμους καὶ συνηθεῖς) and extraordinary meetings was Roman as much as Greek; but the question must be settled how the Roman administration affected the Greek Assembly (ἐκκλησία) in Ephesus.

I think that the true solution is furnished by some remarks of M. Lévy in an instructive and admirable study of the constitution of the Græco-Asian cities, which he has recently published in the *Revue des Etudes Grecques*, 1895,

[1] It may be found in any good lexicon and in the commentators.

pp. 203-255.[1] If he is right, and he seems to me to be so, we must look at the incident recorded in Acts as an episode in the gradual process, by which the central Roman administration interfered in the municipal government of these cities. As he says on p. 216, the Roman officials exercised the right themselves to summon a meeting of the Assembly whenever they pleased, and he also considers that distinct authorisation by the Roman officials was required before an Assembly could be legally summoned. Now, as we have already seen, the Imperial government was very jealous of the right of popular Assemblies. We may therefore conclude with confidence that the Roman officials were unlikely to give leave for any Assembly beyond that certain regular number which was agreed upon and fixed beforehand.[2] Thus the "regular" Assemblies had come to be practically equivalent to the "lawful" Assemblies; the extraordinary Assemblies called by the officers of the city, which in the Greek period had been legal, were now disallowed and illegal; and extraordinary

[1] While the paper, which is only the first of a promised series, enables me already to add much to the slight general sketch of the constitution of these cities given in chap. ii. of my *Cities and Bishoprics of Phrygia*, it seems to me not to necessitate any change of importance in what I have said (though I should of course like now to rewrite in better form not merely that chapter, but every chapter I have ever written). [In Lévy, p. 216, *n.* (2), read "II., 236".]

[2] Dion Chrysostom's Oration XLVIII. was delivered at Prusa in an extraordinary meeting of the Assembly (ἐκκλησία) held by permission of the proconsul Varenus Rufus; but we observe that (1) the elaborate compliment to the proconsul for his kindness in permitting the Assembly suggests that it was an unusual favour, (2) the business seems to have been merely complimentary and ornamental, to judge from Dion's speech; (3) the administration of Bithynia fell at the period in question into a state of great laxity (even the law against *collegia* was suffered to be violated), so that Trajan had to send Pliny on a special mission to reform the government of the province (see Hardy's *Introduction* to his edition of Pliny, pp. 24, 48).

Assemblies were now only summoned by Roman officials. It was therefore necessary for Demetrius to wait until the next regular Assembly, before he could have any opportunity of legally bringing any business before the People.

We conclude, then, that neither the rendering of the Authorised nor that of the Revised Version is in itself actually incorrect in point of Greek; but the former alone is correct in the actual circumstances of this case. It is indeed true that the Greek term used by Luke generally bears the meaning which the Revised Version attributes to it. But it was not the technical term ordinarily used in Ephesus in that sense; and, as a matter of fact, special Assemblies had ceased to be convened before this time, and the Secretary could not have been thinking of such Assemblies.

Accordingly we fail to find any sufficient reason for altering a rendering which was quite good and had become familiar; and we cannot acquit the Revisers of having made the change under the influence of an inadequate conception of the constitutional facts involved.[1] They are in no wise to be blamed for their incomplete understanding of the facts, for the materials were not accessible to them; and until M. Lévy's masterly exposition of them, the difficulty was apparently insoluble. But none the less is it regrettable that they altered the text, for the idea of a lawfully constituted Assembly qualified to exercise the powers resident in the People is demanded here by the logic of the passage as a whole, and is better expressed by the word "lawful". In fact, it would appear that the Secretary was not at the moment thinking of the technical distinction between regular and extraordinary meetings. Had he been thinking

[1] We may understand that they would not have made a change, unless they had considered that "lawful" was distinctly incorrect.

of that distinction, he would have used the technical term *νόμιμος*, which seems naturally to have risen to the lips of an Ephesian when that distinction was prominent in his thought. Thus in the inscription already quoted,[1] it is provided that a statue of Athena, as patroness of education and all arts, dedicated to Artemis and to the rising generations of Ephesus in future times, should be brought into every regular meeting of the People (*κατὰ πᾶσαν νόμιμον ἐκκλησίαν*). The extraordinary meetings are here excepted from the provision recorded in this inscription, either because they were hastily summoned and time did not permit of the necessary preparations for bringing the statue, or because they were only summoned by Roman officials, and were not in the same strict sense voluntary meetings of the Ephesian People exercising its own powers.

Appendix: The Text of Acts xix. 40

We naturally proceed to inquire whether the new light thrown by M. Lévy on the circumstances of this Ephesian meeting help to solve the difficulty of the reading in v. 40, in which Westcott and Hort consider "some primitive error probable". In that sentence the Secretary proceeds to forecast the possible future, with a view to intimidate the disorderly assemblage and induce them to disperse quietly. In forming an opinion as to the text, therefore, we must, in the first place, try to forecast the possible sequence of events. As M. Lévy says, the Roman administration had the power to prohibit indefinitely the right of holding meetings of the People; and it depended solely on their goodwill when they should allow a city to resume the

[1] Hicks, No. 481, l. 340.

right, after it had once been prohibited. The occurrence of this large meeting in the theatre might be looked into by the Roman officials. It had not been authorised by them; and the city would have some difficulty in explaining satisfactorily its origin. The only explanation that could be accepted would consist in showing that some serious cause had existed for the unusual occurrence. It is then natural that the Secretary, when representing to the assemblage the danger which they were incurring, should point out that when the Roman administration investigated the case, it would not be possible to assign any cause which could justify the concourse. His oration, as actually delivered, undoubtedly emphasised this point at some length, and pressed home the danger of the situation; for this is the climax and peroration of the speech, which was so efficacious as to calm the excited crowd, and induce them to retire peaceably; and nothing but fear was likely to calm the rage of an Ionian city. But in the brief report that has come down to us the peroration has been compressed into one single sentence (v. 40); and the sentence, which describes the probable investigation and the want of any sufficient plea in defence, has become obscure through the attempt to say a great deal in a few words. The stages of the future are thus sketched out: there is likely to be an investigation and charge of riotous conduct (*κινδυνεύομεν ἐγκαλεῖσθαι στάσεως*) arising out of to-day's Assembly (*περὶ τῆς σήμερον*);[1] we shall be required to furnish an explana-

[1] Blass understands *περὶ τῆς σήμερον* (*ἐκκλησίας*). Page and Meyer-Wendt understand *περὶ τῆς σήμερον* (*ἡμέρας*), and Page compares xx. 26. The ultimate sense is not affected by the difference. Personally, I should follow Blass, whose understanding of the words gives a much more effective and Lukan turn to the thought; but the Bezan Reviser evidently agreed with Page. See below, under (3).

tion of the concourse to the Romans, whose maxim is "*divide to command*" and who are always jealous of meetings that bear in any way on politics or government (λόγον ἀποδοῦναι περὶ τῆς συστροφῆς ταύτης); no sufficient reason exists by mentioning which[1] we shall be able to explain satisfactorily the origin of the meeting (μηδενὸς αἰτίου ὑπάρχοντος περὶ οὗ δυνησόμεθα λόγον ἀποδοῦναι).

Here we have, in the text of the inferior MSS., a logical and complete summary of the future, stated in a form that can be construed easily, even though brevity has made the expression a little harsh.[2] On the other hand, the great MSS. give a reading[3] which cannot be accepted for the following reasons: (1) We observe that those warm defenders of the great MSS., Westcott and Hort, with their great knowledge of Lukan style, consider it to involve a corruption; and most people will come to the same conclusion.

(2) The only possible construction of this text connects μηδενὸς αἰτίου ὑπάρχοντος with the preceding clause κινδυνεύομεν . . . σήμερον; but, as we have seen, the logic of the speech connects the thought involved in these words with the following clause.

(3) It is clear that the Bezan Reviser (whom we believe to have been at work in the second century of our era)

[1] This use of περί approximates closely to the common sense "as regards," or "with reference to" (*quod attinet ad*), as in some of the examples quoted in the lexicons. Compare *ad* in Tertullian, *Apol.*, 25. Blass seems to hold that the sense is, "since there exists no charge, concerning which we shall be able to frame a defence" (which conveys no clear idea to me).

[2] The harshness arises chiefly from the sense of περὶ οὗ, (*with reference to which cause* we may render an explanation of the concourse), immediately before περὶ τῆς συστροφῆς, where the preposition has a different sense. The Bezan Reviser felt the awkwardness, and modified the sentence to avoid the second occurrence of περί. See below, under (3).

[3] περὶ οὗ οὐ δυνησόμεθα, κ.τ.λ.

had before him the text of the inferior MSS., and in his usual style he modified it to avoid some of the harshness of the original, *κινδυνεύομεν σήμερον ἐγκαλεῖσθαι στάσεως, μηδενὸς αἰτίου ὄντος περὶ οὗ δυνησόμεθα ἀποδοῦναι λόγον τῆς συστροφῆς ταύτης.*

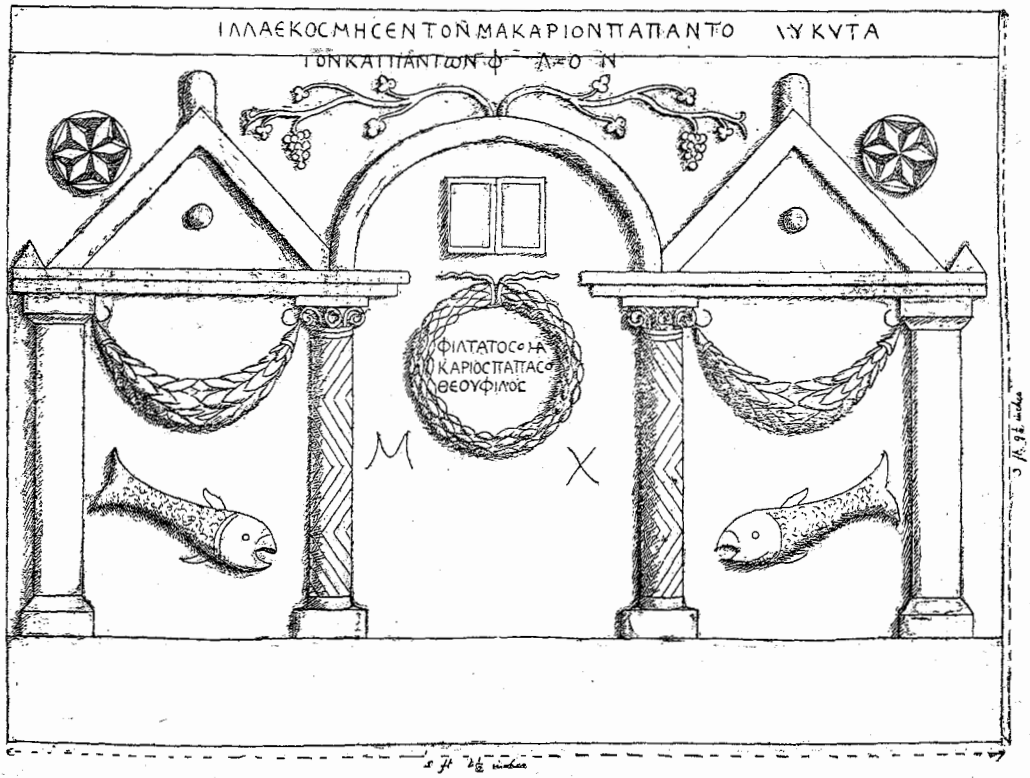
(4) The corruption in the great MSS. is easily explained: there was a natural temptation to get the form "we shall not be able to explain this concourse," and this was readily attained by doubling two letters, reading *περὶ οὗ οὐ δυνησόμεθα.* We find that the same fault occurs in two other places in this scene: one letter *η* is doubled in vv. 28 and 34 so as to produce the reading *μεγάλη ἡ Ἄρτεμις*, where, as I have elsewhere[1] argued, the Bezan reading *μεγάλη Ἄρτεμις* coincides with a characteristic formula of invocation, and deserves preference.

(5) If we follow the authority of the great MSS., and read *περὶ οὗ οὐ,* Meyer-Wendt's former suggestion,[2] that *μηδενὸς αἰτίου ὑπάρχοντος* was placed by the author after *συστροφῆς ταύτης* and got transposed to its present position, would give a sense and logical connection such as we desire; but it involves the confession that all MSS. are wrong. Moreover, the text of the inferior MSS. and the Bezan reading cannot be derived from it by any natural process.

Thus we find ourselves obliged to prefer the reading of the inferior MSS. to that of the great MSS.

[1] *Church in Rom. Emp.*, p. 135 f.; *St. Paul the Traveller*, p. 279.

[2] In the latest edition they coincide with Page's construction, which gives sense, but which (as above implied) we must, with Westcott and Hort, reject as not of Lukan style, and as illogical. It would, however, give much the same ultimate meaning as that which we get from the inferior MSS.



Tomb of a Bishop of the Third Century (see p. 298).